

COPY

DANIEL M. PETROCELLI (SB #7802)  
 MATTHEW T. KLINE (SB #211640)  
 DAVID J. MARROSO (SB #211655)  
 O'MELVENY & MYERS LLP  
 1999 Avenue of the Stars, 7<sup>th</sup> Floor  
 Los Angeles, CA 90067-6035  
 Telephone: (310) 553-6700  
 Facsimile: (310) 246-6779

UNITED STATES DISTRICT COURT  
 CENTRAL DISTRICT OF CALIFORNIA

COLONY CAPITAL, LLC, a Delaware limited liability company, and COLONY INVESTORS IV, L.P., a Delaware limited partnership,  
 PLAINTIFF(S)

v.

THE NATIONAL RETIREMENT FUND, and DOES 1 through 10, inclusive,  
 DEFENDANT(S).

CASE NUMBER

CV11 07235

R (AGRx)

SUMMONS

TO: DEFENDANT(S): THE NATIONAL RETIREMENT FUND, and Does 1 through 10, inclusive

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it), you must serve on the plaintiff an answer to the attached ☒ complaint ☐ amended complaint ☐ counterclaim ☐ cross-claim or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff's attorney, Daniel M. Petrocelli, Matthew T. Kline and David J. Marroso, whose address is O'Melveny & Myers, LLP, 1999 Avenue of the Stars, 7<sup>th</sup> Floor, Los Angeles, CA 90067-6035. If you fail to do so, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

Clerk, U.S. District Court

Dated: \_\_\_\_\_

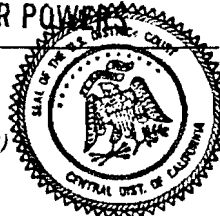
SEP - 1 2011

By: \_\_\_\_\_

CHRISTOPHER POWER

Deputy Clerk

(Seal of the Court)



1181

[Use 60 days if the defendant is the United States or a United States agency, or is an officer or employee of the United States. Allowed 60 days by Rule 12(a)(3)].

AO 440 (Rev. 12/09) Summons in a Civil Action (Page 2)

Civil Action No. \_\_\_\_\_

**PROOF OF SERVICE**

*(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for *(name of individual and title, if any)* The National Retirement Fund  
was received by me on *(date)* 09/01/2011 .

☐ I personally served the summons on the individual at *(place)* \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_ ; or

☐ I left the summons at the individual's residence or usual place of abode with *(name)* \_\_\_\_\_  
\_\_\_\_\_, a person of suitable age and discretion who resides there,  
on *(date)* \_\_\_\_\_ , and mailed a copy to the individual's last known address; or

☒ I served the summons on *(name of individual)* Richard Rust, Fund Manager , who is  
designated by law to accept service of process on behalf of *(name of organization)* The National Retirement Fund  
6 Blackstone Valley Place, Suite 302, Lincoln, RI 02865 on *(date)* 09/01/2011 ; or

☐ I returned the summons unexecuted because \_\_\_\_\_ ; or

☐ Other *(specify)*: \_\_\_\_\_

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ 0.00 .

I declare under penalty of perjury that this information is true.

Date: 09/02/2011

  
\_\_\_\_\_  
*Server's signature*

Costable Paul G. Hughes # 40  
*Printed name and title*

Paul G. Hughes, as affiliate agent of Nationwide Legal LLC  
1609 James M. Wood Boulevard, Los Angeles, CA 90015

\_\_\_\_\_  
*Server's address*

Additional information regarding attempted service, etc:

**AFFIDAVIT OF SERVICE**

**UNITED STATES DISTRICT COURT  
Central District of California**

Case Number: CV11 07235

Plaintiff:

**COLONY CAPITAL LLC, a Delaware limited liability company and  
COLONY INVESTORS, L.P., a Delaware limited partnership**

vs.

Defendant:

**THE NATIONAL RETIREMENT FUND and DOES 1 through 10 inclusive**

For:

Daniel M. Petrocelli, Esq.  
O'MELVENY & MYERS LLP  
1999 Avenue Of The Stars  
7th Floor  
Los Angeles, CA 90067

Received by NATIONWIDE LEGAL LLC ( NY) on the 1st day of September, 2011 at 3:00 pm to be served on **THE NATIONAL RETIREMENT BOARD FUND c/o Richard Rust, Fund Manager, 6 Blackstone Valley Place, Suite 302, Lincoln, RI 02865.**

I, Paul G. Hughes, being duly sworn, depose and say that on the **1st day of September, 2011** at 4:05 pm, I:

SERVED the within named CORPORATION by delivering a true copy of the **SUMMONS AND COMPLAINT**; with the date and hour of service endorsed thereon by me to RICHARD RUST, Fund Manager as AUTHORIZED MANAGING LEGAL AGENT of the within named corporation.

**Description** of Person Served: Age: 50, Sex: M, Race/Skin Color: White, Height: 6'3, Weight: 190, Hair: Gray, Glasses: N

I certify that I am a Rhode Island Constable licensed to serve civil process in the state of Rhode Island. I am over the age of eighteen years and I have no interest in the above action. Under penalties of perjury, I declare that I have read the foregoing instrument and the facts stated in it are true.

Before me on the 6th day of September, 2011 there personally appeared before me the above named individual who swore to the truth of the statements contained in this affidavit

  
NOTARY PUBLIC

TIA-MARIE MALLINSON  
Notary Public ID # 63333

State of RI and Providence Plantations  
My Commission Expires Dec. 19, 2012



Paul G. Hughes  
RI Superior Ct Constable # 40

**NATIONWIDE LEGAL LLC ( NY)**

**7 Times Square**

**Sutie 3208**

**New York, NY 10036**

**(212) 326-2036**

Our Job Serial Number: HLS-2011007002

Ref: 1000323